ENT Case No. <u>21194P</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

David B. Olsen, et al.

Serial No.

10/520,925

Filed:

January 7, 2005

For:

THIONUCLEOSIDE DERIVATIVES AS INHIBITORS OF

RNA-DEPENDENT RNA VIRAL POLYMERASE

Art Unit: To Be Assigned

Examiner:

To Be Assigend

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

## INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

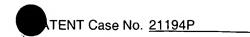
Sir:

- 1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
- 2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
- 3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
- 4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Dhireck Mark Date 4-6-2005



5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
FILING DATE	MERCK CASE	
December 7, 2004	21124YP	
	FILING DATE	

lf th	nis is inconvenient, additional copies will be submitted upon request	t.
(	6. In accordance with 37 C.F.R. 1.97, (check one)	
$\checkmark$	the attached information is filed within three months of the filing da	te of the captioned case.
	the attached information is filed more than three months after the f Office Action on the merits.	iling date but prior to the mailing of a first
	the attached information is being filed more than three months after Office Action on the merits, but before the mailing date of a Final Action authorization is therefore given to charge Deposit Account No. 13-1.17(p). The undersigned certifies that each item of information contained in cited in any communication from a foreign patent office in a countermonths prior to the filing of this Statement.	Action or Notice of Allowance. The enclosed 2755 for the fee required under 37 C.F.R. In this Information Disclosure Statement was first
	the undersigned certifies that no item of information contained in the a communication from a foreign patent office in a counterpart foreign person signing the certification after making reasonable inquiry, was C.F.R. 1.56(c) more than three months prior to the filing of this States	ign application, and, to the knowledge of the as known to any individual designated under 37
		Respectfully submitted,  By: Philippe L. Durette  Attorney For Applicant(s)  Reg. No. 35,125  MERCK & CO., INC.  Patent Dept., RY60-30  P.O. Box 2000  Rahway, N.J. 07065-0907  (732)594-4568
		Date: April 6, 2005

Substitute for form 1449A/PT/O			COMPLETE F KNOWN			
INFORMATION D	DISC	URE	Application Number	10/520,		
STAGEMENT BY			Filing Date	January 7, 2004		
14 M	APPL	ICANI	First Named Inventor	David B. Olsen, et al.		
use as many sheets		,	Group Art Unit			
(use as injuny sheets as necessary)			Examiner Name			
Sheet Sheet 1	of	3	Attorney Docket Number	21194P		

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.	U.S. Patent Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	
	1	6,777,395		Bhat et al.	08/17/2004	
	2	6,812,219		LaColla et al.	11/02/2004	
	3	US 2003/0060400		LaColla et al.	03/27/2003	
	4	US 2003/0050229		Sommadossi et al.	03/13/2003	
	5	US 2004/0097461		Sommadossi et al.	05/20/2004	
	6	US 2004/0072788		Bhat et al.	04/15/2004	
	7	US 2004/0147464		Roberts et al.	07/29/2004	
	8	US 2004/0063658	ļ	Roberts et al.	04/01/2004	
	9	US 2004/0259934		Olsen et al.	12/23/2004	

	FOREIGN PATENT DOCUMENTS						
			Foreign Patent Document			Date of Publication of	
Examiner Initials*	Cite No.	Office	Office Number		Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	
	10	PCT	WO02/057425		Merck & Co., Inc.	07/25/2002	
	11	PCT	WO02/32920		Pharmasset Limited	04/25/2002	
	12	PCT	WO03/093290		Genelabs Technologies, Inc.	11/13/2003	
	13	PCT	WO02/057287		Merck & Co., Inc.	07/25/2002	
	14	PCT	WO01/92282		Novirio Pharmaceuticals Limited	12/06/2001	
	15	PCT	WO01/90121		Novirio Pharmaceuticals Limited	11/29/2001	
	16	PCT	WO03/051899		Ribapharm Inc.	06/26/2003	
	17	PCT	WO03/062255		Ribapharm Inc.	07/31/2003	
	18	PCT	WO03/062256		Ribapharm Inc.	07/31/2003	
	19	PCT	WO2004/065398		Ribapharm Inc.	08/05/2004	

Examiner Signature		Date Considered	

<sup>\*</sup>Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE	
COMPLETE IF KNOWN		
Application Number	10/52	
Filing Date	January 7, 2005	
First Named Inventor	David B. Olsen, et al.	
Group Art Unit		
Examiner Name		
Attorney Docket Number	21194P	
	Application Number Filing Date First Named Inventor Group Art Unit Examiner Name	

U.S. PATENT DOCUMENTS							
Examiner Initials*	U.S. Patent Document		Cite U.S. Patent Document  Kind Name of Patentee or Applicant			Date of Publication of Cited Document MM-DD-YYYY	
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	FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Office	Foreign Patent Docume	nt Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	
	20	PCT	WO2004/028481		Genelabs Technologies, Inc.	04/08/2004	
	21	PCT	WO2004/002999		Idenix (Cayman) Limited	01/08/2004	
	22	PCT	WO2004/002422		Idenix (Cayman) Limited	01/08/2004	
	23	PCT	WO2004/046331		Idenix (Cayman) Limited	06/03/2004	
	24	PCT	WO2003/068244		Merck & Co., Inc./ Isis Pharm	08/21/2003	
	25	PCT	WO2003/105770		Merck & Co., Inc./ Isis Pharm.	12/24/2003	
	26	PCT	WO2004/007512		Merck & Co., Inc./ Isis Pharm	01/22/2004	
	27	PCT	WO2004/009020 ·		Merck & Co., Inc./ Isis Pharm	01/29/2004	
	28	PCT	WO2004/072090		Merck & Co., Inc.	08/26/2004	
	29	PCT	WO2004/000858		Merck & Co., Inc./ Isis Pharm	12/31/2003	

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Substitute for form 14498/PTO	COMPLET IF KNOWN		
INFORMATION DISC SURE	Application Number	10/520	
STATEMENT BY APPLICANT	Filing Date	January 7, 2004	
STATEMENT BY APPLICANT	First Named Inventor	David B. Olsen, et al.	
APR 0 8 7005	Group Art Unit		
(use as migny sheets as necessary)	Examiner Name		
Sheet 3 of 3	Attorney Docket Number	21194P	

	NON PATENT LITERATURE DOCUMENTS							
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.						
	30	Anne B. Eldrup et al., "Structure-Activity Relationship of Heterobase-Modified 2'-C-Methyl Ribonucleosides as Inhibitors of Hepatitis C Virus RNA Replication", J. Med. Chem., Vol. 47, pp. 5284-5297 (2004)						
	31	Anne B. Eldrup et al., "Structure-Activity Relationship of Purine Ribonucleosides for Inhibition of Hepatitis C Virus RNA-Dependent RNA Polymerase", J. Med. Chem., Vol. 47, pp. 2283-2295 (2004)						
	32	David B. Olsen et al., "A 7-Deaza-Adenosine Analog is a Potent and Selective Inhibitor of Hepatitis C Virus Replication with Excellent Pharmacokinetic Properties", Antimicrobial Agents and Chemotherapy, Vol. 48, No. 10, pp. 3944-3953 (2004)						
	33	Per Hoffmann et. al., "Recent Patents on Experimental Therapy for Hepatitis C Virus Infection", Expert Opin. Ther. Patents, Vol. 13(11), pp. 1707-1723, (2003)						
	34	Volker Brass et al., "Recent Developments in Target Identification against Hepatitis C Virus", Expert Opin. Ther. Targets, Vol. 8(4), pp. 295-307, (2004)						
	35	Murai et al., "A synthesis and an x-ray analysis of 2'-C-,3'-C- and 5'-C-Methylsangivamycins", Heterocycles, vol. 33, pages 391-404 (1992)						
	36	Iimori et al, "A Study on conformationally restricted sangivamycins and their inhibitory abilities of protein kinases", Nucleic Acids Symposium Series, vol. 27, pages 169-170 (1993); Chemical Abstracts, vol. 118, Abstract No. 160564 (1993)						
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Examiner	Date	1
Signature	Considered	
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<sup>\*</sup>Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.